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August 9, 2023

Via ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Grant Johnson v. Esports Entertainment Group, Inc.*, 1:22-cv-10861 (PGG)
MLGB File No. 17818-00040

Dear Judge Gardephe:

We represent defendant, Esports Entertainment Group, Inc. and write to the Court with respect to Plaintiff's premature pre-motion letter of August 9, 2023.

Defendant requests that the Court extend the deadline for parties to file pre-motion letters for dispositive motions until after the August 31, 2023 extended discovery deadline to complete fact discovery under Magistrate Judge Parker's July 26, 2023, Order which did not address the dispositive motion deadline set forth in the Your Honor's May 4, 2023 Civil Case Management Plan and Scheduled Order (the "Scheduling Order") (ECF 26)¹ for the following reasons:

First, the Scheduling Order provides: "Parties seeking to make post-discovery dispositive motions should submit a letter . . . by August 9, 2023." (ECF-26, para. 10) (emphasis added). However, Magistrate Judge Parker's July 26 Order the deadline for the parties to complete fact discovery to August 31. As discovery is not complete, Plaintiffs pre-motion letter is premature.

Second, the Rule 30(b)(6) deposition of Defendant's designee, Michael Villani, is not concluded. Plaintiff adjourned the deposition and reserved the right to continue the deposition on a later date and Defendant was not afforded the opportunity to examine the witness. Indeed, Defendant has not had the opportunity to review the transcript and only has a rough copy of same in its possession. Importantly, Plaintiff's proposed motion relies on Mr. Villani's deposition testimony notwithstanding the deposition is not complete and only excerpts of his testimony were

¹ Defendant intends to put a more fulsome opposition letter to Plaintiff's letter by August 14 (ECF 26, para. 10).

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attached.

Third, Plaintiff also seeks to depose Alan Alden who is available on August 17 and it is unclear whether Plaintiff has concluded today's deposition of Jan Jones Blackhurst.

Nevertheless, in the event that the Court determines not to extend the deadline for pre-motion letters, Defendant intends to submit its opposition letter by August 14, stating its intention to make a cross-motion for summary judgment.

Thank you for the Court's consideration in this matter.

Respectfully submitted,

/s/ Michael H. Masri
Michael H. Masri

cc: *All Counsel of Record via ECF*